
**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Federal-State Joint Board on)	CG Docket No. 96-45
Universal Service)	
)	
High Cost Universal Service Support)	WC Docket No. 05-337

**REPLY COMMENT OF THE
TEXAS OFFICE OF PUBLIC UTILITY COUNSEL**

The Texas Office of Public Utility Counsel, (“Texas OPC”), offers its reply comments, pursuant to the Federal Communications Commission’s (“Commission” or “FCC”) Notice of Proposed Rulemaking related to the Commission’s jurisdiction over high-cost universal service support released in the above-referenced docket on December 9, 2005.

Texas OPC represents the interests of residential and small commercial telephone customers before the Public Utility Commission of Texas, state and federal courts and the FCC. These reply comments respond to questions raised by the Commission regarding the Court of Appeals Tenth Circuit’s decision in *Qwest Corp. v FCC*¹ and the Commission’s request for definition of the terms “sufficient” and “reasonably comparable” based upon the 10th Circuit’s decision as it relates to universal service principles under

¹ *Qwest Corp v. FCC*, 398 F.3d. 1222 (10th Cir. 2005) (Qwest)

Section 254 of the Federal Telecommunications Act (FTA)² and is consistent with the Commission's duty to preserve and advance universal service.

Texas OPC files its reply comment to express its general concurrence with the Initial Comments filed by the National Association of State Utility Consumer Advocates (NASUCA) dated March 27, 2006 as it applies to its interpretation of the 10th Circuit's decision in the Qwest case and respectfully recommends that a subsequent Commission rulemaking take said comments into account in the drafting of future universal service rules.

May 26, 2006

Respectfully submitted,

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/s/
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² Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in scattered sections of 15 and 47 U.S.C.) (FTA)